UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,525	06/26/2003	Giacomo Digrigoli	2043.114US1	9327

49845   7590   12/16/2008
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EXAMINER
POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
3696	

NOTIFICATION DATE	DELIVERY MODE
12/16/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/608,525</td><td>Applicant(s)
DIGRIGOLI ET AL.</td></tr>
<tr><td>Examiner
Frantzy Poinvil</td><td>Art Unit
3696</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *11/18//2008; 10/16/08; 12/17/07*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20081120

DETAILED ACTION

Response to Arguments

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/16/2008 has been entered.

2.   Applicant's arguments filed 10/16/2008 have been fully considered but they are not

persuasive.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boesch et al. (US Patent No. 5,897,621).

As per claims 1-37, Boesch et al disclose a system and method for processing payment

transactions in a multi-currency payment system. The system and method comprise

communicating to a sender via a communications network a user interface that facilitates sender

input with respect to a desired currency in which a payment is to be made; receiving data

identifying a sender-selected currency from the sender via the communications network;

communicating to the sender via the communications network information identifying a current

exchange rate for conversion between the sender-selected currency and a sender primary

currency. Applicant is directed to column 7, line 7 to column 9, line 25.

Boesch et al further disclose the sender primary currency is a currency used in a majority

of transactions involving the sender and wherein the payment is to fund from a balance in the

sender-selected currency that is maintained within a sender account. See column 5, lines 44-64

and column 6, lines 20-31 and lines 44-49 of Boesch et al.

Boesch et al also teach determining that the sender does not have a balance in the sender

selected currency within the sender account and converting an equivalent value in the sender

primary currency into the sender-selected currency to fund the payment. See column 6, lines 20-

31, column 4, lines 8-45 and column 10, lines 29-65 of Boesch et al.

Applicant has amended the independent claims 1, 34 and 36 to recite that enabling a

receiving of a selection from the recipient, the selection from the recipient is selected from a

group consisting of an acceptance of the payment in the sender-selected currency and a denial of

the payment in the sender selected currency and argues that Boesch et al fail to teach or suggest

this limitation.

In response, Boesch et al do not explicitly recite the exact language recited in the

applicant's independent claims. It is noted that Boesch et al are directed to a commerce system

in which a customer in a given type currency provides payment to a merchant for the purchases

of goods and/or services. Both the customer and the merchant agree to the currency pair being

used. See the abstract of Boesch et al.

Boesch et al state that the merchant is willing to accept payment in a currency different than that

of the customer. See the abstract and column 6, lines 11-19. Furthermore, it would have been

obvious to one of ordinary skill in the art to note at the time the invention was made that if the

customer selects a currency not acceptable by the merchant, the merchant would have sent a

notification to the customer informing the customer of an unacceptable selection of a currency by

the customer. Therefore, denying acceptance of the sender selected currency and resulting in

informing the recipient of a denial of the payment in the sender selected currency would have

been done by either the merchant or the server of the system of Boesch et al.

Regarding claims 13, 31, 35 and 37, applicant's representative argues that the function of

receiving from the client or recipient an indication or decision with respect to an acceptance of

the payment in the sender-selected currency, and to notify the sender via the communications

network of the recipient decision.

In response, it is noted that Boesch et al are directed to a system and method for multi-

currency transactions. The system and method comprise a remote customer accessing a

merchant website to purchase goods in one currency and to perform payment transactions with

another currency acceptable by the merchant. See the abstract. The customer and merchant have

contracted to transact with particular currency pairs. See column 6, lines 32-49 or Boesch et al.

Thus, the Examiner notes that if the sender or customer uses a currency that may not be

acceptable by the merchant, the customer or client must inform or notify the merchant and in

return the merchant must provide an indication of acceptance or denial or the currency the client

or sender intends to use. Thus, these steps taken by the customer and merchant would have been

obvious steps taken by the one having ordinary skill in ordinary business practice so that both

parties (the customer and merchant) agree in the type of currencies to be used for the payment of

a purchase transactions.

Boesch et al also disclose updating the current exchange rate at predefined time intervals

and upon determining that a predefined time interval has expired, retrieving current exchange

rates from a third party system, applying a set of rules to the retrieved rates to verify that the

retrieved rates are correct and replacing existing rates are correct and replacing existing rates

stored in a database with the retrieved rates. See column 8, line 49 to column 9, line 3.

Boesch et al also disclose accumulating payment transactions in each of a plurality of

currencies used during the predefined time interval; requesting the third party system to trade the

accumulated payment transactions and receiving confirmation from the third party system that

trades of the accumulated payment transactions have been completed. See column 14, lines 14-

40.

Functions of determining that the recipient did not accept the payment in the sender-

selected currency and displaying an error message to the sender offering the sender to select a

different currency for the payment are to provide an interactive session to the involved parties

are inherent features in the system of Boesch et al.

The computerized system stores all transactions involved all clients that are stored for inventory control and dispute resolution purposes. Thus, a history of currency conversion calculations from previous transactions involving the sender is an inherent feature in the system of Boesch et al.

Boesch et al also disclose determining whether a recipient requests a conversion of the payment account into the recipient primary currency, and if not creating a new balance in the sender-selected currency within the recipient account and adding the payment amount to the new balance. See column 4, lines 8-45.

Boesch et al also teach that payments will be block for which the recipient does not have a balance.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner
Art Unit 3696

FP
December 8, 2008